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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SUZANNE JENNINGS,

9 Plaintiff,

10 v.

11 DUKE PARTNERS II LLC, *et al.*,

12 Defendants.
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No. C17-0969RSL

ORDER DENYING MOTION FOR
REMAND

14 This matter comes before the Court on plaintiff's "Motion for Remand; Motion for
15 Severance; In Rem Action; Reservation of All Rights Failure to State a Claim." Dkt. # 10.¹ For
16 the reasons set forth in the Court's "Order Imposing Sanctions for Failure to Comply with LCR
17 10(e)(9)" (Dkt. # 22), only the first fifty pages of plaintiff's submission have been considered.

18 The underlying matter was filed in state court by plaintiff against the purchaser of the
19 premises located at 6733 Holly Pl SW, Seattle, 99136. The complaint was captioned as an
20 unlawful detainer action: plaintiff alleges that defendants violated state foreclosure procedures
21 and the federal Truth in Lending Act ("TILA") and that these violations forfeited any right they
22 may have to the property. Plaintiff acknowledges that there are "limited federal issues" in the
23 complaint (Dkt. # 10 at 4), but argues that a federal court cannot assume jurisdiction over issues
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26 ¹ The motion plaintiff filed with the Court is missing pages 2 and 3.

ORDER DENYING MOTION
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1 that have already been presented to the state court for resolution. Plaintiff is simply wrong on the
2 law. A defendant in state court has the right to remove a case to federal court if the case could
3 have been filed originally in federal court (*i.e.*, on federal diversity or federal question grounds).
4 See 28 U.S.C. § 1441(b). Because plaintiff asserted that Wells Fargo violated a federal law and it
5 appears that diversity jurisdiction exists, defendants were within their rights to remove this case
6 to federal court, thereby divesting the state court of jurisdiction.

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8 For all of the foregoing reasons, plaintiff's motion for remand is DENIED.

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10 Dated this 25th day of October, 2017.

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13 Robert S. Lasnik,
14 United States District Judge
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